

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSITAS EDUCATION, LLC,

Judgment Creditor,

-against-

NOVA GROUP, INC., as trustee, sponsor and
fiduciary of THE CHARTER OAK TRUST
WELFARE BENEFIT PLAN,

Judgment Debtor.
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: Case Nos. 11 CV 1590-LTS-HBP and
: 11-8726-LTS

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**REPLY DECLARATION OF PAULA K. COLBATH, IN SUPPORT
OF UNIVERSITAS' MOTION, PURSUANT TO CPLR 5240, TO
EXTEND THE DURATION OF THE RESTRAINING NOTICES
ISSUED TO THIRD-PARTY GARNISHEES**

PAULA K. COLBATH, an attorney admitted to practice law in the Courts of the
State of New York, declares the following under penalty of perjury pursuant to 28 U.S.C.
§ 1746:

1. I am a partner in the law firm of Loeb & Loeb LLP, attorneys for
Universitas Education, LLC ("Universitas"), the Judgment Creditor in the above-
captioned proceeding. I have personal knowledge of the following facts.

2. I respectfully submit this reply declaration pursuant to Fed. R. Civ. P.
69(a)(1) and N.Y. C.P.L.R. § 5240 in support of Universitas' Motion, for a Supplemental
Order extending the expiration date of certain restraining notices served by Universitas
on third-party garnishees, that are the subject of Universitas' Order to Show Cause and
Temporary Restraining Order (docket 563) and Supplemental Order to Show Cause and
Temporary Restraining Order (docket 579), until Universitas' Judgments against

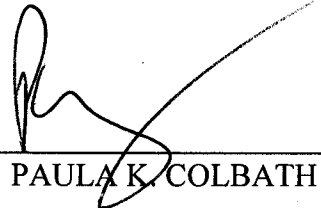
Judgment Debtors' Nova Group, Inc., Daniel Carpenter, Grist Mill Trust Welfare Benefit Plan and any trustees and plan sponsors thereof insofar as they hold Grist Mill Trust assets, Grist Mill Capital, LLC, Grist Mill Holdings, LLC, Carpenter Financial Group, Avon Capital, LLC, Phoenix Capital Management, LLC, and Hanover Trust Company, are satisfied in full.

3. Attached as **Reply Exhibit A** is a true and correct copy of the draft declarations we submitted in January 2015 to opposing counsel, requesting that Daniel Carpenter, Molly Carpenter, Kathy Kehoe, Wayne Bursey, and Matthew Westcott, each sign a declaration attesting to the financial and operational independence of SADI (*i.e.*, the Sickness, Accident & Disability Indemnity Trust 2005), Grist Mill and other Carpenter-related entities. All refused to do so. And to date, none of these individuals have signed their declarations attesting to the financial and operational independence of SADI, Grist Mill, and the other entities.

4. Attached as **Reply Exhibit B** is a true and correct copy of the Charging Order issued by Judge Chatigny of the Connecticut District Court on October 27, 2015.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 2, 2015



PAULA K. COLBATH